

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

200 Campus Drive, Florham Park, New Jersey 07932-0668 Tel: 973.624.0800 Fax: 973.624.0808

One Gateway Center, Suite 2600, Newark, New Jersey 07102

*Albany • Baltimore • Boston • Chicago • Dallas • Denver • Garden City • Houston • Las Vegas • London • Los Angeles • Louisville • McLean
Miami • New Jersey • New York • Orlando • Philadelphia • San Diego • San Francisco • Stamford • Washington, DC • West Palm Beach • White Plains*

Limited Liability Partnership of NY

Affiliates: Berlin • Cologne • Frankfurt • Mexico City • Munich • Paris

JAMES CRAWFORD ORR
WILLIAM J. RIINA
THOMAS F. QUINN
BARBARA HOPKINSON KELLY
CAROLYN F. O'CONNOR
KENNETH M. BROWN
DANIEL F. FLORES
KURT W. KRAUSS
MICHAEL J. NAUGHTON
JOSEPH A. GALLO
ROBERT A. BERNIS
KELLY A. WATERS
BRIAN J. WHITEMAN
SUSAN KARLOVICH
MATTHEW S. MAHONEY
KEVIN C. DONOVAN
JAMES S. REHBERGER

JOSEPH T. HANLON
ROBERT LESKO
RENEE J. SHERMAN
ROBERT T. GUNNING
GREGG S. KAHN
MAXWELL L. BILLEK
JOANNA PIOREK
OF COUNSEL
ROBERT C. NEFF, JR.
JOHN P. O'TOOLE
SUNA LEE
CHRISTOPHER W. McCLANAHAN
LINDA K. SMITH
TANA BUCCA
PAUL E. PARAY
KIM M. CONNOR

www.wilsonelser.com

KURT H. DZUGAY
GINA CALABRIA
JOHN W. WILLIAMS
SHAUN S. MCGREGOR
PETER A. SWIFT
ERIC T. EVANS
GREGORY T. FOOTE
JULIE VON BEVERN
BRUCE W. MCCOY, JR.
DANIEL E. ZEMSKY
C. TY NGUYEN
JESSICA BRENNAN
KAREN D. PECK

JOHN W. ROESER
STEPHANIE RUFFO
LOUIS PERAGGINE
ANDREW F. BAIN
BRENDAN P. MCCARTHY
CHARLES KELLETT
PAUL J. MILLER
ANTHONY RAPA
AMEE SAMPAT
ANTHONY J. DRAGONE
EMILY WEISLITZ
JOBIL P. CYRIAC

February 2, 2012

KEITH G. VON GLAHN (1952-2007)

Via ECF

Hon. Tonianne J. Bongiovanni, U.S.M.J.
United States District Court
District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street Room 2020
Trenton, NJ 08608

Re: *American General Life Ins. Co. v. Ellman Savings Irrevocable Trust, et al.*
Civil Action No. 3:08-cv-05364-MLC-TJB
Our File No.: 07478.00537

Dear Judge Bongiovanni:

We genuinely regret and apologize that your Honor has been subject to the parties' disagreements regarding discovery. Many if not all of these disagreements likely could have been avoided if defendants had simply agreed to meet and confer regarding the issues, as we have repeatedly requested. Indeed, Mr. BenHaim's February 1 letter addresses an issue regarding the proposed scheduling order as to which there is no objection. Had counsel merely responded to our request for input on the scheduling order two weeks ago, as directed by your Honor's chambers, there would have been no need for the Mr. BenHaim's February 1 letter.

We have no objection to Mr. BenHaim's proposed schedule for ultimate submission of discovery motions and extension of discovery until July 31. We do, however, strenuously object to defendants' false statements that American General has not complied with its discovery obligations in this case. As our prior submissions have demonstrated, American General is in full compliance with its discovery obligations in this case, and in fact, has gone beyond what is legitimately required by the rules of discovery.

We, of course, are at your Honor's disposal to discuss all matters as the Court deems

To:
January 27, 2012
Page 2

appropriate.

Thank you.

Respectfully,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

A handwritten signature in cursive script, reading "Karen D. Peck".

Karen D. Peck

KDP:kdp

Cc: David BenHaim, Esq. (via email)
Ira Lipsius, Esq. (via email)
Daniel Grossman, Esq. (via email)